

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AMLIN CORPORATE MEMBER, LTD., §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. H-09-2695
§
§
LOGISTICS GROUP INTERNATIONAL, §
INC., *et al.*, §
§
Defendants. §

CLARIFICATION TO SCHEDULING ORDER

The parties who dispute entitlement to the interpleaded insurance proceeds also dispute the schedule that applies to the dispositive motions they have filed. The following motions have been filed:

1. May 6, 2010, Docket Entry No. 53, MPCi moved for summary judgment on its claim for a declaratory judgment of entitlement to the insurance proceeds.

May 16, 2010, Docket Entry No. 54, Logistics filed its response.

May 28, 2010, Docket Entry No. 58, MPCi filed a reply to the response.

2. May 28, 2010, Docket Entry No. 59, Logistics filed a motion for summary judgment on its claim for a declaratory judgment of entitlement to the insurance proceeds.

3. May 28, 2010, Docket Entry No. 60, Logistics filed a second motion for summary judgment on MPCi's cross-claims for breach of contract and for recovery under the Carmack Amendment.

MPCI has the opportunity under the rules and the scheduling order to file a response to Logistics' two summary judgment motions. MPCI's response is due by June 18. Because Logistics filed two separate motions, MPCI should file two separate responses. Logistics may file a reply to each response, no later than July 12.

Logistics has asked for the opportunity to file a reply to Docket Entry No. 58, MPCI's reply to Logistics' response to MPCI's summary judgment motion on entitlement to the insurance proceeds. Logistics asserts that in its reply, MPCI included new exhibits and arguments that Logistics needed an opportunity to address. Logistics may file a reply, limited to the new exhibits and arguments, no later than June 25, 2010.

MPCI's May 28, 2010 filing is timely.

MPCI will not be filing a cross-motion on entitlement to the proceeds because it already filed its motion for summary judgment on that issue.

SIGNED on June 9, 2010, at Houston, Texas.



Lee H. Rosenthal
United States District Judge